

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
V.)
)
DEWEY LYNN PHILLIPS)

No. 2:05-CR-75

ORDER

The defendant has filed a motion in which he requests this Court to reconsider its order that he be detained pending his trial. [Doc. 23, 24].

Defendant recites that he has no prior criminal record, and that he has heretofore “conducted himself in a proper manner both as a citizen, father, grandfather, employee and an independent business man” He recites that he is a life-long resident of Cocke County, Tennessee, and that he poses no risk of flight.

As noted at the initial detention hearing, “risk of flight” is not the concern of this Court; rather, “danger to the community” is the dispositive consideration. In light of the offense with which defendant is charged, he confronts the rebuttable presumption of 18 U.S.C. § 3142(e) that there is no condition or combination of conditions that will acceptably minimize that risk.

A substantial quantity of cocaine was seized from defendant’s possession, as was a large sum of currency. Although defendant undeniably is entitled to the presumption of innocence, the evidence arrayed against him at this point indicates that he is a dealer

in significant quantities of cocaine.

Defendant has presented no new facts to this Court that would warrant a reversal of the Court's earlier decision. His motion is DENIED.

SO ORDERED:

s/ Dennis H. Inman
United States Magistrate Judge